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Serial No.: 10/750,295

Docket No.: 19924

REMARKS

Applicants' undersigned attorney thanks the Examiner for her comments. Applicants respectfully request reconsideration of this patent application, particularly in view of the above Amendment and the following remarks. Currently, Claims 1-5, 7-13, 15-21, and 23-35 are pending, with Claims 26-35 withdrawn from consideration.

Amendment to the Claims

Claims 1-5, 7-13, 15-21, and 23-25 have been examined, with no claims being allowed. Claim 1 has been amended to emphasize that the laminate is a single sided elastic laminate, to clarify the location of the meltblown layer, and to include the limitation of Claim 15. Claim 2 has been amended to positively recite the elastic laminate being rolled upon itself. Claims 9-13, 16, and 19 have been amended to depend from Claim 1. Applicants respectfully request cancellation of Claim 15.

No new matter has been added by this Amendment. No additional fee is required because the number of independent claims remains unchanged and the total number of claims has been reduced.

Claim Rejections - 35 U.S.C. §112

The rejection of Claims 9-13 and 15-19 under 35 U.S.C. §112, second paragraph, as being indefinite is respectfully traversed. Applicants have amended Claims 9-13, 16, and 19 to depend from Claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claim Rejections - 35 U.S.C. §103**A. Stopper et al.**

The rejection of Claims 1-5, 7-13, 15-21, and 23-24 under 35 U.S.C. §103(a) as being unpatentable over Stopper et al. (U.S. Patent No. 5,635,290, hereinafter "Stopper") is respectfully traversed.

Stopper discloses a multi-layer composite containing at least one layer of a nonwoven fiber web and at least one layer of an elastomeric material, wherein the

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nonwoven web layer is joined to the elastic layer at spaced-apart locations and is gathered between the spaced-apart locations. The elastomeric material in Stopper may be formed by arranging strands of elastic filaments or elastic strips in a planar spaced-apart fashion and depositing meltblown fibers of a compatible polymer or an adhesive polymer among the strands to embed the strands in the meltblown fiber web. (Col. 8, lines 14-20).

Stopper fails to disclose or suggest a meltblown layer, specifically a layer of meltblown nonblocking agent, that is applied to the elastic layer and is *not in contact with the facing layer or the adhesive.*

Contrary to the Examiner's assertion, the meltblown fibers in Stopper are not analogous to Applicants' claimed meltblown nonblocking agent, particularly since elastic strands are embedded within the meltbown fiber web in Stopper. Consequently, the meltblown layer in Stopper is in direct contact with the facing layer as well as with any adhesive between the strands and the facing layer.

There is no suggestion or motivation to modify the composite in Stopper to include a meltblown layer *on top* of the elastic layer, such that the meltblown layer is not in contact with the facing layer or the adhesive, because Stopper merely discloses a meltblown layer incorporated *within* the elastic layer, which results in the meltblown layer being in contact with the facing layer and the adhesive.

Furthermore, the amount of nonblocking agent (0.2 to 2.0 gsm) is very low, such that no readily visible (with the human eye) web is formed. In contrast, Stopper discloses an amount of meltblown fibers sufficient to provide a "dimensionally stable elastic layer." (Col. 8, lines 14-19).

In further contrast with the Stopper reference, Applicants' Claim 2 recites the elastic laminate rolled upon itself. Stopper fails to disclose or suggest rolling the composite upon itself, and further fails to disclose or suggest any measures to prevent roll blocking.

For at least the reasons given above, Applicants respectfully submit that the teachings of Stopper fail to disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

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B. Stopper et al. in view of Desai et al.

The rejection of Claim 25 under 35 U.S.C. §103(a) as being unpatentable over Stopper as applied to Claim 1 above, and further in view of Desai et al. (U.S. Patent Publication No. 2003/0091807, hereinafter “Desai”), is respectfully traversed.

As noted by the Examiner, Stopper fails to disclose or suggest a necked facing layer. While Desai identifies necking as one method of enhancing composite stretchability, Desai fails to overcome the deficiencies of Stopper in view of Applicants’ claimed invention. More particularly, like Stopper, Desai also fails to disclose or suggest a meltblown layer, specifically a layer of meltblown nonblocking agent, that is applied to the elastic layer and is *not in contact with the facing layer or the adhesive*, and is applied in such a low amount that no readily visible (with the human eye) web is formed.

For at least the reasons given above, Applicants respectfully submit that the teachings of Stopper in view of Desai fail to disclose or suggest Applicants’ claimed invention. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Conclusion

Applicants believe that the claims, as now presented, are in condition for allowance. Allowance of this application is respectfully requested. If the Examiner detects any unresolved issues, then Applicants’ attorney respectfully requests a telephone call from the Examiner, and a telephone interview.

Respectfully submitted,


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